

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6391

BILL NUMBER: SB 415

NOTE PREPARED: Feb 25, 2010

BILL AMENDED: Feb 22, 2010

SUBJECT: Discharge of Long-Term Inmates.

FIRST AUTHOR: Sen. Waterman

FIRST SPONSOR: Rep. V. Smith

BILL STATUS: As Passed House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill has the following provisions:

- A. *Rehabilitation Based Discharge for Long Term Inmates* – It provides that an inmate is eligible for rehabilitation-based discharge for long-term inmates if the inmate has served 21 years in the Department of Correction and has received four years of credit time.
- B. *Reformative Programs* – It allows certain persons to earn not more than six months credit time, as determined by the Department of Correction, for completion of one or more reformative programs approved by the Department of Correction.
- C. *Credit Time Restrictions* – It prohibits a person from earning credit time for completing the requirements for a general educational development (GED) diploma, a high school diploma, an associate's degree, a bachelor's degree, a career and technical education program, a substance abuse program, a literacy and basic life skills program, or a reformative program if the person: (1) commits a sex offense, criminal confinement if the victim is less than 18 years of age, or kidnapping if the victim is less than 18 years of age while the person is required to register as a sex or violent offender under the sex offender registration law; and (2) is committed to the Department of Correction after being convicted of the offense.

Effective Date: (Amended) July 1, 2010.

Explanation of State Expenditures: *Rehabilitation-Based Discharge for Long Term Inmates* – LSA identified 10 offenders who have been confined between 21 and 25 years who might be eligible for this program. (The amount of credit time that these offenders have is not known.)

Since this bill would affect a limited number of offenders, LSA used an annual cost of \$12,775 per offender

to represent any potential savings. Since Department of Correction (DOC) adult facilities are generally at full capacity, a percentage of offenders are confined in county jails for part or all of their terms of incarceration. DOC pays county sheriffs \$35 per day for each offender who is sentenced for a felony. If fewer long-term offenders are in DOC facilities, DOC may be able to transfer more offenders to DOC facilities.

Number of Offenders		Annual Cost of Confinement in County Jail		Estimated Avoided Cost for DOC
10	x	\$12,775	=	\$127,750

[This section of statute applies to offenders who have been confined for more than 25 consecutive years. Under current law, the Parole Board reviews the sentence of offenders who have been incarcerated for 25 consecutive years and have not been convicted of a violent offense. The Parole Board must determine whether the inmate has been rehabilitated and has suitable plans that would warrant discharge from custody. As proposed, DOC must identify nonviolent offenders who have 21 years of consecutive incarceration and 4 years of credit time who may also be eligible for an early release.]

(Revised) *Reformative Programs* – The DOC currently provides two programs to address behavior management problems:

- (1) Thinking for a Change, which is an integrated, cognitive behavior change program for offenders that includes cognitive restructuring, social skills development, and development of problem-solving skills.
- (2) PLUS (Purposeful Living Units Serve), which is a faith- and character-based reentry initiative.

DOC reports the following information on the number of offenders who completed these programs in FY 2009 and the number who were committed for a sex crime.

Offenders Completing Reformative Programs in FY 2009			
	Number of Offenders Completing Program	Number of Completers who are Sex Offenders	Percent of Completers who are Sex Offenders
Thinking for a Change	1,264	206	16%
Purposeful Living Units Serve	474	39	8%

These sex offenders would not be eligible to earn this new credit time for completing one or more of these reformative programs.

Offenders are limited to the amount of earned credit time that they can receive for completing education, substance abuse, or other programs. Under IC 35-50-6-3.3(I) the maximum amount of credits that they can earn is the lesser of four years or one third of the person's total applicable credit time.

(Revised) *Credit Time Restrictions* – This measure would likely affect a minimal number of offenders. LSA examined the number of offenders who were committed to DOC facilities in both CY 2008 and 2009. LSA found that 1% of the offenders with a prior felony were committed for a sex crime for the most recent crime. The number of offenders with a prior sex felony was not available.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: DOC; Parole Board.

Local Agencies Affected:

Information Sources: DOC Offender Information System; Amanda Copeland, Ph.D.

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